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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,561	11/19/2003	Kazuhiro Ukida	UKID3001/EM	5056
23364	7590	06/03/2005	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			GREEN, BRIAN	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/715,561

**Applicant(s)**

UKIDA ET AL.

**Examiner**

Brian K. Green

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification in view of Ogden (U.S. Patent No. 4,478,666).

The applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification disclose an equipment utilizing water comprising an operation section (60), a member (55), and a transparent film (59) on the member (55). The applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification fails to disclose making the member (55) from a transparent material and placing a decoration on a surface of the member (55) opposite to the transparent film. Ogden shows in figure 1 a control panel that includes a transparent member (16) which include a transparent cover (18) on a front surface and a decoration (50) on an opposite surface (65) of the transparent member (16). In view of the teachings of Ogden it would have been obvious to one in the art to modify the applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification by making the member (55) transparent and attaching a decoration to a surface of the member (55) opposite to the transparent film since this would allow the decoration/indicia to be protected from damage

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in a better manner and would help to create a more aesthetically pleasing display panel on the equipment utilizing water. In regard to claim 3, the method used to form the decoration is not given weight in an article claim. Further, Ogden discloses in column 8, lines 35-40 the idea of silk screening the decoration/indicia onto the member (16). In regard to claim 5, as broadly defined, the colored member (50) when placed on the member (55), as taught by Ogden, is considered to be formed of a material tightly formable with the transparent member.

Claims 2,4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification in view of Ogden (U.S. Patent No. 4,478,666) as applied to claims 1 and 5 above, and further in view of Miwa (U.S. Patent No. 4,625,097).

The applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification in view of Ogden disclose the applicant's basic inventive concept except for attaching a decoration to a portion of the transparent film. Miwa shows in figures 1-4 an equipment utilizing water including an upper transparent member (51) including a decoration/indicia (52,53) thereon. In view of the teachings of Miwa it would have been obvious to one in the art to modify the applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification by attaching a decoration/indicia to the transparent film since this would allow additional information to be displayed on the display panel as well as to allow the decoration/indicia to be displayed in a more eye-catching and aesthetically pleasing manner. In regard to claim 4, the method used to form the decoration is not given weight in an article claim. Further, printing indicia/decoration is shown to be conventional by Ogden in column 8,

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lines 35-40, i.e. silk screening the decoration/indicia. In regard to claim 6, In regard to claim 6, the applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification discloses the use of an adhesive between the member (55) and the rest of the housing. The adhesive is considered to be the connection structure and would be located on the colored member/decoration/indicia.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification in view of Ogden (U.S. Patent No. 4,478,666).

The applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification disclose an equipment utilizing water comprising an operation section (60), a member (55), a transparent film (59) on the member (55), and a colored member (51) formed of a material tightly formable with the transparent member. The applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification fails to disclose making the member (55) from a transparent material. Ogden shows in figure 1 a control panel that includes a transparent member (16) which include a transparent cover (18) on a front surface and a decoration (50) on an opposite surface (65) of the transparent member (16). In view of the teachings of Ogden it would have been obvious to one in the art to modify the applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification by making the member (55) transparent since this would allow a decoration to be placed on the lower surface of the transparent member which would allow the decoration/indicia to be protected from

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damage in a better manner and would help to create a more aesthetically pleasing display panel on the equipment utilizing water.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification in view of Ogden (U.S. Patent No. 4,478,666) as applied to claim 5 above and further in view of Miwa (U.S. Patent No. 4,625,097).

Applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification in view of Ogden disclose the applicant's basic inventive concept except for placing a claw and/or a boss into which a screw is screw-fitted on the colored member (51) in order to attach the outer member to the equipment utilizing water. Miwa shows in figure 2 the idea of placing a boss (39) which receives a screw (43) on a colored member for attaching an outer member to the equipment utilizing water. In view of the teachings of Miwa it would have been obvious to one in the art to modify applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification by providing a boss that receives a screw on the colored member since this would allow the outer member to be attached to the equipment utilizing water in a faster, easier, and more secure manner. In regard to claim 7, the applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification in view of Ogden disclose the applicant's basic inventive concept except for attaching a decoration to a portion of the transparent film. Miwa shows in figures 1-4 an equipment utilizing water including an upper transparent member (51) including a decoration/indicia (52,53) thereon. In view of the teachings of Miwa it would have been obvious to one in the art to modify the

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applicant's admitted prior art shown in figure 7 and defined on pages 1 and 2 of the specification by attaching a decoration/indicia to the transparent film since this would allow additional information to be displayed on the display panel as well as to allow the decoration/indicia to be displayed in a more eye-catching and aesthetically pleasing manner.

### ***Response to Arguments***

Applicant's arguments filed March 15, 2005 have been fully considered but they are not persuasive.

The applicant argues that Ogden is directed to a membrane switch control panel arrangement and label assembly for labeling same, not an equipment utilizing water or anything like that. The applicant's admitted prior art shown in figure 7 already discloses an equipment utilizing water which includes an operational control panel arrangement. Ogden is being used to show that it is known to make an outer member (16) out of a transparent material and to place indicia on the back side of the outer member. Placing the indicia on the back side of the outer member would allow the decoration/indicia to be protected from damage in a better manner and would help to create a more aesthetically pleasing display panel on the equipment utilizing water.

The applicant argues that Ogden mentions that the indicia (50) may be formed on the front side of the legend sheet (16) as well as the back side thereof, in col. 9, lines 6-9, which implies that the relative location of the indicia to the transparent legend sheet does not matter at the least. While Ogden mentions that the indicia could be placed on the front side of the sheet

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this does not mean that the location of the indicia does not matter. Ogden discloses in column 8, lines 38-41, that the indicia is placed on the back side of the sheet (16) which is the preferred location of the indicia.

The applicant argues that the prior art does not contain the necessary motivation to modify the reference to arrive at the claimed invention. The examiner disagrees since placing the indicia on the back side of the outer member would allow the decoration/indicia to be protected from damage in a better manner and would help to create a more aesthetically pleasing display panel on the equipment utilizing water.

The applicant argues that the technical field of the present invention is totally different from that of the invention of Ogden, especially in consideration of their respective classifications. The examiner disagrees since the invention of Ogden is directed to a control panel arrangement which is closely related to the operation section of the applicant's invention.

The applicant argues that the APA and Ogden neither disclose nor suggest the integral forming of the colored member and the transparent member at the least as required in claim 5. The examiner disagrees since the indicia taught by Ogden can be "formable" with the outer member (55) of the applicant's admitted prior art shown in figure 7 as well as the member (51) can be "formable" with the outer member (55) as broadly defined. The indicia and the member (51) are considered to be of a material tightly formable with the transparent member.

The applicant argues that the APA and Ogden discloses and implies only the adhesive, not a claw and/or a boss, as a connection structure as defined in claim 6. The examiner is using the patent to Miwa to show that it is known to use a boss and a screw to connect a member to equipment utilizing water.



The applicant argues that the nameplate of Miwa is not transparent and therefore does not disclose the present invention as claimed. The applicant's admitted prior art in figure 7 already teaches the idea of making the film out of a transparent material. Miwa is simply being used to show that it is known to place indicia on this outer film layer.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

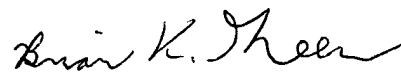
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**BRIAN K. GREEN**  
**PRIMARY EXAMINER**

Bkg  
May 27, 2005